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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Office Action Summary	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 June 2007_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _75-111_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _75-111_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Applicant's amendment and response of 6/27/07 has been entered. The instant

examiner has read the prosecution history to date. Currently claims 75-111 are

pending. Applicant's arguments are addressed at the end of this office action.

With respect to the filing date of the pending claims, it is considered to be

8/31/04. The examiner notes that two declarations have been filed under 37 CFR 1.131

in an attempt to show *reduction to practice* prior to March 4th and/or March 14th of 2004.

The 131 declarations were filed 3/13/07 and 4/5/07. The examiner notes that both 131

declarations were only signed by one inventor, Mario Villena. Jose Villena is a co-

inventor listed on the Oath but did not sign a similar 131 to that of Mario Villena. This

renders both 131 declarations as deficient. All inventors of record must sign a 131

declaration as is set forth in MPEP 715, specifically in 715.04(I). In view of the scope of

the currently pending claims 75-111, what was addressed in the previously submitted

131 declarations (the storing of an AVM value) does not provide evidence of prior

conception or *reduction to practice* of the currently claimed invention to any date earlier

than 8/31/04. For purposes of clarifying the prosecution record, the 131 declarations

filed 3/13/07 and 4/5/07 are both deficient and the filing date of the claims is 8/31/04.

With respect to the declaration filed on 6/27/07 that is signed by William

Kennedy, it is considered deficient. The examiner notes that there is a hand written

change to the fact that the signed declaration previously stated it was filed under 37

CFR 1.131. Someone changed "1.132" to "1.131" by hand. The examiner questions

who it is that made this change. As this declaration is a legal document submitted

under penalty of perjury, the change from a 1.131 declaration to a 1.132 declaration

must be initiated by the person signing the declaration; otherwise, the examiner cannot

just assume that applicant made this change. Also, in an overall sense, the language

"*Declaration of Prior Invention under 37 CFR 1.132*" is confusing because a declaration

for prior invention is rule 1.131 and rule 1.132 is for submission of other kinds of

evidence other than that of prior invention. Is this declaration submitted under 1.131 as

it originally indicated, or is this a 1.132 declaration as the hand made change indicates?

This is not clear. Upon consideration of what is contained in the declaration filed

6/27/07, it is found to be of little value to the current issues that are set forth in this office

action. To the extent that this declaration provides any evidence to the examiner, none

is actually provided other than some allegations that are not supported by any evidence.

The statement #3 in the declaration states that a review of Internet records showed that

the "Homekeys" website had a large amount of traffic from a particular IP address, and

that this IP address was tracked back to a particular business that deals with AVM

values. The mere fact the Homekeys website had a lot of traffic is not evidence of

anything, other than they had a lot of Internet traffic from that IP address. No evidence

has been offered to show any data that relates to Internet traffic. No evidence has been

provided that shows any tracking of an IP address. No evidence was provided as to

whom it was that was actually viewing the website. Even if all of statements 3-5 are

taken as fact, this is not evidence of copying. For 66 people to have a total of 78 visits

over 2 months, means that each person averaged just slightly over 1 visit each. How is

that evidence of copying? The fact that a certain IP address may have logged onto a

particular website a certain number of times is not evidence of copying. This just shows

what is shows, visiting of a website by a certain IP address, nothing more. The declaration of 6/27/07 has been considered in total, but is not seen as really providing any evidence of anything. As stated previously, even if the statements of #3-5 are true, this is not evidence of any copying.

With respect to the Petition to Make Special and the references mentioned therein, the examiner notes that applicant has never made these references "of record" in this application. Just mentioning them in the Petition to Make special does not result in making them "of record" in this application. An IDS (i.e. form 1449) or a listing of the cited references for the examiner to initial off on, is required if applicant wants them to be considered. To date, these references are not of record, although the examiner is citing some of them back to applicant in the current rejections of record. Applicant may want to consider the filing of an IDS statement to make the remaining references of record. With respect to the "Realtor Workstation" NPL reference, the copy submitted with the Petition to Make special is difficult to read for many of the captured screenshots. If an IDS is submitted citing this reference, applicant is requested to provide a better copy so that the examiner can read it and understand the scope of the disclosure related to this document. The copy submitted with the Petition is not readable to a point where the examiner can understand what is fully discloses. Applicant's cooperation in this matter is appreciated.

1.   The amendment filed 12/28/06 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment

shall introduce new matter into the disclosure of the invention. The added material

which is not supported by the original disclosure is as follows: The language added to

paragraph 84 is considered to be new matter. While the specification as originally filed

did disclose that the database can contain data for all known properties in a given

region, as well as disclosing that there can be less than all the known properties in the

database, the specification as originally filed does not provide support for the definition

of "substantial portion", and "a majority of properties" as had been added to the

specification. Also, the language reciting that various terms may apply to various

subgroups is also considered to be new matter. In the response of 12/28/06, on page

14, applicant stated that support for this amendment was found in original claims 1,2,

and 10. Claims 1,2, and 10 do not provide support for this new language that has been

added to paragraph 84. Upon a review of the originally filed specification as well as

original claims, the examiner cannot find support for what is claimed. If applicant

believes that this language is not new matter, than a further explanation of where

support can be found in the specification as originally filed should be provided for the

examiner to review.

       Applicant is required to cancel the new matter in the reply to this Office Action.

2.   The amendment filed 6/27/07 is objected to under 35 U.S.C. 132(a) because it

introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment

shall introduce new matter into the disclosure of the invention. The added material

which is not supported by the original disclosure is as follows:

With respect to newly added claims 77,78,83,98,99,103,110,111, the examiner

feels that these claims contain new matter. There does not appear to be support in the

specification as originally filed for the language reciting that there can be "at least one of

an icon, an AVM, and a DVS value" that are "spatially embedded" within the map.

Applicant has stated that originally filed paragraphs 28 and 81 provide support for this

language. While claim 28 does provide support the use of graphical maps for the

displaying of results, this alone does not support the totality of what is claimed.

Paragraph 81 does disclose the use of icons on a map that represent the various

properties and discloses that when the user clicks on a particular property icon, a pop

up window is displayed to the user where various information is displayed. Paragraph

81 makes no mention of any "*spatially* embedded" values and the examiner is not quite

clear as to where support comes from for the term "spatially embedded" in paragraph

81. Paragraph 81 does not disclose that there could be an icon, an AVM value, and a

DVS value as claimed on the map, for a total of three things. As the disclosure in the

specification is best understood by the examiner, the map has icons that represent the

various properties and when one clicks on a particular property icon, another window is

displayed where the AVM value and other data can be displayed to the user. The claim

has a scope where there can be 3 things on the map, whereas the specification only

seems to disclose a property icon that when selected will result in a pop up window to appear. The examiner does not see how this disclosure supports what is claimed as these claims are best understood by the examiner.

For claims 86,104, it does not appear that there is support in the specification as originally filed for a plurality of AVM values that are spatially about the designated region as is claimed. As stated previously, as best understood by the examiner, the disclosed map has icons that represent the various properties and when one clicks on a particular property icon, another window is displayed where the AVM value and other data can be displayed to the user. The examiner does not see where it was disclosed that the map of the region contains a plurality of AVM values that are spatially located about the region. This has been found to be new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

3.   The following is a quotation of 37 CFR 1.71(a)-(c):

(a)   The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b)   The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement· invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c)   In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

4.   The specification is objected to under 37 CFR 1.71 because it contains new matter that is not supported in the specification as originally filed.

The language added to paragraph 84 is considered to be new matter. While the specification as originally filed did disclose that the database can contain data for all known properties in a given region, as well as disclosing that there can be less than all the known properties in the database, the specification as originally filed does not provide support for the definition of "substantial portion", and "a majority of properties" as had been added to the specification. Also, the language reciting that various terms may apply to various subgroups is also considered to be new matter. In the response of 12/28/06, on page 14, applicant stated that support for this amendment was found in original claims 1,2, and 10. Claims 1,2, and 10 do not provide support for this new language that has been added to paragraph 84. Upon a review of the originally filed specification as well as original claims, the examiner cannot find support for what is claimed. If applicant believes that this language is not new matter, than a further explanation of where support can be found in the specification as originally filed should be provided for the examiner to review.

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   Claim 90 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 90 is dependent on claim 75, which is an apparatus type of statutory claim. Claim 90 should also be directed to an apparatus, but the language "wherein the AVM values *are repeatedly updated* based on changes in

relevant housing markets" is a method step of actually doing a step of updating. This renders claim 90 as non-statutory. This is because claim 90 is mixing both distinct statutory classes of invention of an "apparatus" and a "method". In apparatus claims any recitation of actually using recited structure of the apparatus renders the claims as non-statutory. Ex parte Lyell 17 USPQ2d 1548 (Bd. Pat. App. & Int 1990) ; IPXL Holdings, L.L.C. v Amazon.Com, Inc., 430 F.3d 1377, 1384 (Fed. Cir. 2005). The examiner suggests claiming that the structural element responsible for this function (possibly the query device?) is "*configured* to repeatedly update the AVM values based on changes in the relevant housing markets" to overcome this rejection.

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 77,78,83,86,98,99,103,104,110,111, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims are rejected for the reasons that are set forth in the objection to the amendment of 6/27/07. The claims are considered to contain new matter.

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10.   Claims 76-78,83,86,87,90,94,96,98,99,103,104,109-111, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 76,96,109, applicant claims that the query device is configured to perform a differential value search. This search is claimed as being "based on a difference in value between a property's AVM value and an offer for sale value". The examiner believes that "essential" subject matter is missing from the claim scope. It seems to the examiner that the data of "an offer for sale value" would be required to be in the database so that this search is able to be performed. Because the only data recited in the scope of claims 76,96, is the property identifier and the AVM value from claims 75 and 95, unless the "offer for sale" data is also claimed, not enough data is present in the scope of the claim to allow the differential value search to occur. Claim 76 is lacking in essential elements that are required to allow the claimed function to occur.

For claims 77,78,83,86,98,99,103,104,110,111, they are considered to be indefinite. What does it mean to recite that the "at least one of an icon, AVM value and a DVS value" are *spatially embedded within the map consistent with the respective geographic location information of the at least one second property*" as is claimed in claim 77 (representative example). What is meant by "spatially embedded"? This is not clear. What structure does the term "spatially" add to the term "embedded"? What is

meant by claiming "<u>consistent</u> with the respective geographic location information of the at least one second property"? What does this mean? Consistent how? What does it mean to claim that an icon or value is spatially embedded consistent with a location? It is not clear as to what this language means. The same analysis is valid for claims 83,86, 98,99,103,104,110,11, which have very similar claim language. For example, in claim 86 the language is slightly different but the issue is the same, i.e. "*spatially located about the designated region consistent with the actual locations*".

For claim 87, applicant claims that the query device is configured to perform a query based on a *hand-designated* graphic region. What is meant by "hand designated"? The scope of this term is not clear. Because the instant specification states that computers are used and one uses a mouse to identify geographical regions (see para. 77), what is meant by "hand designated"? Is this supposed to be something done by hand or with the use of a computer? The reasonable interpretation for "hand designated" is that this is done by a human hand without the use of computers. If computers are involved, like a computer mouse, this is not reasonably seen as being "hand designated". What does applicant mean by "hand designated"? Does this allow for one to use a mouse of a computer? Is this act in the scope of this claim? This is not clear.

For claim 90, one wishing to avoid infringement would not be reasonable made aware of the scope of the claimed invention. This is because claim 90 contains a method recitation. Claim 90 is dependent on claim 75, which is an apparatus type of claim. Claim 90 should also be directed to an apparatus, but the language "wherein the

AVM values *are repeatedly updated* based on changes in relevant housing markets" is a method step of actually doing a step of updating. It is not clear if just having the claimed structure of the system would be infringement, or if one would need to have the claimed system and "repeatedly update" the AVM values to be infringing. This renders the claim as indefinite. Ex parte Lyell 17 USPQ2d 1548 (Bd. Pat. App. & Int 1990) ; IPXL Holdings, L.L.C. v Amazon.Com, Inc., 430 F.3d 1377, 1384 (Fed. Cir. 2005).

For claim 94, what is being referred to by the language "so as to enable **them**"? Who are them? Is this the customers, their PC display, or is this referring to the claimed information system? This is not clear.

For claim 96, applicant claims "wherein the step of performing AVM-related queries includes". Claim 95 recites "performing one or more AVM-related queries? Is the scope of the claim directed to "one or more" queries as is recited in claim 95, or is the scope of the claim directed to a plurality of AVM queries? This is not clear due to the contradictory language between claims 95 and 96.

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12.   Claims 75,84,85,87-95,101,102,106-108, are rejected under 35 U.S.C. 102(b) as

being anticipated by Foretich et al. (20030191723).

For claims 75,95,108, Foretich discloses a system and method for determining

AVM values for properties, such as residential properties. Foretich determines

valuation values by using a computer program contained on a server, see paragraph

26. Foretich discloses that customers use remote terminals 10,20 (or other types of

communication devices) to access the property valuation system via the Internet 50.

See paragraph 25 where this is disclosed. The claimed "one or more databases" that

contain records on a plurality of residential properties are the databases 60 and/or 70.

See paragraph 26 where the databases are disclosed. The databases store records

relating to residential properties as claimed. As an example, see Table 1 where various

types of stored property data are disclosed and in paragraph 44 this is referred to as a

property record. This property record data includes property identifiers, such as

address, listing ID, or even a tax record, which satisfies the claimed "identifier of a

respective property". Foretich discloses the storing of property identifiers that identify

the various properties stored in the databases. With respect to the AVM value being

stored in the database, applicant is referred to paragraphs 15 and 162 where this is

disclosed. Paragraph 15 discloses "*knowledge base databases created and maintained*

by the system of the present invention <u>may include valuation values</u> and comparable

information previously calculated and used by they system of the present invention".

Paragraph 162 discloses *"Another aspect of the present invention which has been*

referred to herein is the fact that the system of the present invention, using either local

or remote databases, can store various classes of information derived during the

valuation process for use in later valuations or other processes. For example, as the

system generates valuations, <u>it is preferable that these valuations and data used in</u>

<u>connection with these valuations be stored for later use</u> if desired. <u>Actual valuation</u>

<u>numbers may be stored</u> and may be employed as comparables for later valuations as

appropriate as long as property information is either stored directly in the knowledge

base database or can later be retrieved from other databases such as MLS and/or

public record databases.". Foretich discloses that the AVM values are stored in the

databases, which satisfies what is claimed. The language reciting that the database

"contains records on a plurality of residential properties in a first geographic region" is

noted, but is not reciting any further structure to the claimed system. This language

defines nothing further to the data being stored, or to any structure of the system itself.

The "query device" is considered to be the server 90, that is coupled to the databases

and is responsible for running the software applications that control the operation of the

invention of Foretich, such as the software that performs the property valuations. See

paragraph 26 where server 90 is disclosed. The "display device" that is configured to

provide display information (the results) is interpreted to be the portion of the server 90

that is responsible for providing the query results to an input/output device (i.e. modem),

so that the results can be sent via the Internet to the customer. The "input/output device" is the hardware and software that is necessarily required to allow data communication to occur via the Internet, such as a modem, a databus, and the associated software that allows for the output of data to occur. This structure also allows for the receipt of query terms from customers as claimed. The system of Foretich inherently has an input/output device because of the fact that the query results are output. The query results can be sent over the Internet to the requestor (customer) or can be printed, both of which required an output device.

For claim 84, applicant claims that the database includes further data, where the data is one of geographic location information or tax assessment information. Foretich can locate properties by identifying an address, a tax record property reference, or a property ID number, see paragraph 35. An address and a property ID number is geographic location information that satisfies what is claimed. This data identifies a particular location, which is the location of property. The examiner also notes that Table 1 lists data of "directions" which would also constitutes geographic location information as directions provide guidance to a particular location. The disclosure to a "tax record property reference" satisfies the claimed tax assessment information (which is broad language and is not reciting that the data is actually a tax assessment). Also in Table 1 on page 5 is the latitude and longitude entry for the property record. Foretich discloses what is claimed. Additionally, and as an alternate interpretation of the claim language, the examiner notes that the geographic location information and/or the tax assessment information is directed to non-functional descriptive material that is not functionally

related to the rest of the claim scope. This data is just descriptive in nature and is not functionally related to any actions that the claimed elements to the system are configured to perform. Claim 84 is directed to non-functional descriptive material.

For claim 85, when a customer enters an address to identify a particular property, this results in the query being done for a geographic region selected by the customer, namely the location of the property. This satisfies what is claimed. Also, the examiner notes that in paragraph 41, it is disclosed that batches of valuation queries can be submitted at one time (a plurality at once). A customer can submit a batch of queries that are for a given geographic region, such as for a given neighborhood, and this also satisfies what is claimed.

For claim 87, as the claim is best understood by the examiner, Foretich discloses what is claimed. A customer can draw a circle on a map by hand (such as an Atlas), that identifies the property they are interested in, and can then submit a query for that property. This satisfies what is claimed. The claim does not require the map to be on or in the computer in any manner.

For claims 88,89,90, the system of Foretich is configured to update the valuation values (AVM) as claimed. All a person has to do is run another valuation for the property and that satisfies what is claimed. A person can run as many valuations as they desire in any given time period. A person can submit a request for a valuation every 6 months if they want to. Foretich has this ability, which satisfies what is claimed. Anytime the valuation is repeated, such as when someone is looking to buy the house from a previous purchaser of the house, as compared to the last valuation, this new

valuation would be "generally current", because it was done with the most up to date

data that reflects the current market conditions. The examiner notes that these claims

are not reciting any kind of "automatic updating" of the values. The scope of the claim

allows for a human to be the one that initiates the updating of the valuations, and in

view of this, Foretich discloses this ability. For claim 90, the valuations can be

repeatedly updated if one so desires. Also, in paragraph 15, it is disclosed that the

databases are "continuously updated", and this includes the databases that have the

stored AVM value. This also satisfies what is claimed.

For claims 91,92,93,106, Foretich discloses data for residential properties, such

as single-family homes, townhouses, and condominiums. See paragraph 66 where this

is disclosed. Foretich discloses the claimed elements. The language reciting that the

database contains records "in a county" or "in at least two counties" or "in at least two

states" is noted, but is not reciting any further structure to the claimed system. This

language defines nothing further to the data being stored, or to any structure of the

system itself. The geographic boundaries set by people lend no structure to the claimed

system. Data is data, the mere fact that humans recognize jurisdictions such as

counties and states does not change what is claimed, which is property data records

stored in the database (single family homes, townhouses, and condominiums). Foretich

discloses structure that satisfies what is claimed.

For claims 94,102,107, the system of Foretich is configured to provide

information to the remote terminals that indicates a measure of confidence. See

paragraphs 158 and 161 where it is disclosed that the results that are provided to the

customer include the "standard deviation" value for the valuation. Standard deviation is a statistical measure of confidence as to the accuracy of the valuation. This satisfies what is claimed.

For claims 101,108, it is disclosed that the databases are "continuously updated", and this includes the databases that have the stored AVM value. This satisfies what is claimed.

13.   Claims 75,84,85,88-93,106, are rejected under 35 U.S.C. 102(b) as being anticipated by Sklarz et al. (2002/0087389) .

For claims 75,95, Sklarz discloses a system and method of providing AVM values to customers (includes investors). Sklarz uses computers and software to provide a valuation, which is an AVM. The system is shown in figure 1. This is also mentioned in paragraph 18 where it is disclosed that an algorithm is used to calculate the valuation. The public network is the Internet 107, see figure 1 and paragraph 51. The one or more databases is satisfied by the VYH database 102, that is disclosed as storing all kinds of data relating to properties. This database contains property records as claimed. It is disclosed that this data can be MLS data or even tax record data, see paragraph 47. This kind of data inherently includes property identifiers as that is the only way one can differentiate between various properties. MLS listings inherently contain property identifiers, such as an address. The query device is 103 and in paragraph 56 it is disclosed that device 103 is responsible for conducting the query. The display device is considered to be 106. This device provides information to the

input/output device 108, so that results can be sent via the Internet to customers. The

device 108 receives queries and transmits information to the remote terminals (PCs

110). With respect to the limitation that the AVM value is also stored in the database,

the examiner refers applicant to paragraphs 56 and 213. Paragraph 56 discloses that

received "*query data is pre-checked against the query metadata stored in the VYH*

database". Paragraph 213 discloses that "*The VYH server software caches queries,*

and the response generated by a query, for a period of time ("cache period") selected

by the operator of a VYH service. By accessing cached queries and responses, the

VYH invention accelerates the provision of responses when the same query is received

within the cache period." Because the result of the queries is an AVM, this section is

disclosing that the AVM values are to be stored, so that if another query for the same

property is received, the computer process of recalculating the AVM is avoided and the

already generated results can simply be sent to the customer.

For claims 91,92,93,106, the database 102 contains data on properties, that

includes MLS listing data. The examiner takes "official notice" of the fact that MLS data

includes data on single-family homes, town homes, and condominiums. Also see

paragraph 86 where single-family homes is disclosed. This satisfies what is claimed.

The language reciting that the database contains records "in a county" or "in at least two

counties" or "in at least two states" is noted, but is not reciting any further structure to

the claimed system. This language defines nothing further to the data being stored, or

to any structure of the system itself. The geographic boundaries set by people lend no

structure to the claimed system. Data is data, the mere fact that humans recognize

jurisdictions such as counties and states does not change what is claimed, which is

property data records stored in the database (single family homes, townhouses, and

condominiums). However, the examiner does note that figure 3 shows that the user can

select a given state or county, so this then means that there is property data stored for

different states, counties, etc., as applicant has claimed.

For claim 84, see paragraph 47 where it is disclosed that real property tax

records may constitute part of the database contents. This satisfies the claimed "tax

assessment information" (which is broad language and is not reciting that the data is

actually a tax assessment). Additionally, and as an alternate interpretation of the claim

language, the examiner notes that the geographic location information and/or the tax

assessment information is directed to non-functional descriptive material that is not

functionally related to the rest of the claim scope. This data is just descriptive in nature

and is not functionally related to any actions that the claimed elements to the system

are configured to perform. Claim 84 is directed to non-functional descriptive material.

For claim 85, see paragraphs 59,60,61, where it is disclosed that the user is

asked to specify a state or county or zip code. This satisfies what is claimed.

For claims 88,89,90, the system of Sklarz configured to update the valuation

values (AVM) as claimed. All a person has to do is run another valuation for the

property and that satisfies what is claimed. A person can run as many valuations as

they desire in any given time period. A person can submit a request for a valuation

every 6 months if they want to. Sklarz has this ability, which satisfies what is claimed.

Anytime the valuation is repeated, such as when someone is looking to buy the house

from a previous purchaser of the house, as compared to the last valuation that has been

run, this new valuation would be "generally current", because it was done with the most

up to date data that reflects the current market conditions. The examiner notes that

these claims are not reciting any kind of "automatic updating" of the values. The scope

of the claim allows for a human to be the one that initiates the updating of the

valuations, and in view of this, Sklarz discloses this ability. For claim 90, the valuations

can be repeatedly updated if one so desires. Also see paragraphs 51 and 93 where

updates to the database is disclosed, which also satisfies what is claimed.

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

16.   Claims 76,96,97,100,101,108,109, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Foretich et al. (20030191723).

For claims 76,96,109, not disclosed is that the query device is configured to

perform a "differential value search (DVS)". Applicant has claimed that the DVS is

based on a difference between a property's AVM (valuation) and an offer for sale for the

property. Conceptually, this is a comparison of the price that one is selling a home for,

to the valuation value (AVM) for that home. The examiner notes that paragraph 162

discusses the storing of AVM values in the databases. Disclosed is that the valuations

are stored "*for later use*" and "*for use in later valuations or other processes*" and "*may

be employed as comparables for later valuations as appropriate*". This paragraph

teaches the desirability of storing the AVM value so that that AVM value can be used in

later processing. Paragraph 15 also discusses the use of AVM values in further

processing. The AVM value is a type of data that a person of ordinary skill in the art is

going to be concerned with. Anyone buying a house or giving out a financial loan for a

house, is concerned with the value of the house itself (valuation/AVM). That idea is just

common sense and is something that anyone who buys products of any kind

recognizes. As a purchaser of a given product, you take into consideration the sale

price for the product and decide if that price is acceptable for the "value" of the product

that you are to receive. In other words, a purchaser asks the question "is the product

worth the price?". The importance of the AVM value is also evidenced by paragraph 6,

where it is disclosed that "*Since the loan to value ratio is of great significance to lenders

in making loan decisions as well as in determining applicable loan programs and*

interest rates, it is almost always necessary for a property valuation to be undertaken in connection with the lending process." One of ordinary skill in the art, such as a mortgage broker, is interested in the comparison of the price for a given property to the value of that property. In this case, the loan value for a mortgage lender is essentially the "offer for sale" price, as this is the price the seller is willing to sell the property for. The mortgage lender is making a comparison of the offer for sale (loan value) value to the value of the property, which is determined by the valuation process that is performed by server 90. While this comparison is disclosed as being a ratio, it does teach the comparison of the two claimed types of data (offer and AVM). The prior art and one of ordinary skill in the art already recognize the importance of comparing the offer price to the valuation for real estate property. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foretich to allow for a search of the database based on a difference between a property's "offer for sale" price and the valuation value for that property, that is also stored in the database. Both the offer price and AVM value are going to be stored in the database, this is disclosed by Foretich. One of ordinary skill in the art at the time the invention was made, taking into account the disclosure of Foretich, and taking into account the level of knowledge that one of ordinary skill in the art is in possession of, would have found it obvious to allow for searching based on the difference between the offer price and the valuation (AVM) that is stored in the database as this is another way that one can compare the offer for sale to the AVM value, the comparison of which is already recognized in the prior art. One of ordinary skill in the art who invests in real

estate, such as those that "flip" homes (fix them up and sell them for profit), is clearly

going to be interested in properties that are offered for sale at a price that is below their

AVM value. That situation may indicate that the given property is a good buy as it is

being sold at a lower price than it is valued at. If you can buy a house for $200,000, that

is really valued at $250,000, that may be a good purchase. The claimed limitations are

considered obvious for these reasons.

For claim 97, in paragraph 15, it is disclosed that the databases are "continuously

updated", and this includes the databases that have the stored AVM value. This also

satisfies what is claimed. Alternately, if one felt this limitation were not taught in the

prior art, in view of the fact that one would obviously like to have current and accurate

AVM values, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have the AVM values that are stored in the database updated

with some amount of frequency as is claimed. Updating data is something that is well

within the knowledge of one of ordinary skill in the art and is considered obvious.

For claim 100, Foretich discloses data for residential properties, such as single-

family homes, townhouses, and condominiums. See paragraph 66 where this is

disclosed. Foretich discloses the claimed elements. The language reciting that the

database contains records "in a county" is noted, but is not reciting any further structure

to the claimed system. This language defines nothing further to the data being stored,

or to any structure of the system itself. The geographic boundaries set by people lend

no structure to the claimed system. Data is data, the mere fact that humans recognize

jurisdictions such as counties and states does not change what is claimed, which is

property data records stored in the database (single family homes, townhouses, and condominiums). Foretich discloses structure that satisfies what is claimed.

For claims 101,108, as an alternative to the 102 rejection, in the event that applicant argues that this limitation is missing from Foretich, the examiner feels that one would obviously like to have current and accurate AVM values; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the AVM values that are stored in the database updated with some amount of frequency as is claimed. Updating data that is disclosed as being generated and stored in a database, is something that is well within the knowledge of one of ordinary skill in the art and is considered obvious.

17.   Claim 94,102,107, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklarz et al. (2002/0087389) in view of Robbins (20010039506).

For claims 94,102,107, not disclosed is that the system provides information to the remote terminal to enable it to display a measure of confidence as to the accuracy of the respective AVM value. Robbins is directed to a system that performs AVM calculations. In paragraph 179, it is disclosed that it is known to provide statistical data that reflects confidence in the calculated value. Also see paragraph 181. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Sklarz with the ability to send the customer data that indicates "confidence" in the calculated AVM, as is disclosed by Robbins. This is desirable so the user has some level of assurance as to the accuracy and acceptability of the resulting AVM.

18.   Claims 83,86,87,103,104, is rejected under 35 U.S.C. 103(a) as being

unpatentable over Sklarz et al. (2002/0087389) in view of Florance et al.

(20040030616).

For claim 83, with respect to the language reciting that the database has a 3rd

field containing geographic information, Sklarz contains this kind of data because the

MLS data contains location information, such as an address. The examiner takes

"official notice" of this fact. Also see paragraph 74 where it is disclosed that data such

as the state and county are stored. This is needed so that you can search for properties

by county within a state, see figure 3.   This requires that there be geographic location

information stored as claimed, so that the query can be processed using the correct set

of data (for the region chosen). Sklarz discloses this limitation. Also, the examiner

notes that the geographic location information is directed to non-functional descriptive

material that is not functionally related to the rest of the claim scope. This data is just

descriptive in nature and is not functionally related to any actions that the claimed

elements to the system are configured to perform. Claim 83 is directed to non-

functional descriptive material in this sense.

For claims 83,86,103,104, *not disclosed is that the display device is configured to*

provide information that allows a remote terminal to render a map of a geographic

region as is claimed. Florance discloses a real estate system that provides users with

real estate information in response to search queries submitted by users. The query

results can be displayed to the user in the form of maps, as is disclosed in paragraphs

347 and 348, and shown in figure 58. It is disclosed that the maps allow for the display

of the location of the property on a map by the use of icons and other indicators. Paragraph 348 states that when the user positions the computer mouse over an icon (that represents a property), *the system displays a pop-up window providing information on the associated property* (as best understood this satisfies "spatially embedded"). It is also disclosed that this feature allows the user to view the overall region in which the property is location (a desirable feature), as well as the ability to zoom in and out on the map of the property (another desirable feature). Florance teaches a very desirable manner by which the results of a property search query may be displayed to the user, namely the use of maps as claimed. In Sklarz, the results of the submitted query are provided to the customer, it is just not disclosed that this is done by using a map as applicant has claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a map with pop up windows as is disclosed by Florance, so that the results of the query can be presented in a more user friendly format to the user, including the resulting AVM value that is generated in Sklarz. This is desirable because it would allow for the viewing of the overall region where the property is located, it would allow for the zooming in and out, as well as the convenient use of pop-up windows for the display of property related information, such as the AVM (see claim 83) as is disclosed by Florance.

For claim 87, as the claim is best understood by the examiner, Sklarz discloses what is claimed. A customer can draw a circle on a map by hand, that identifies the property they are interested in, and can then submit a query for that property. This

satisfies what is claimed. The claim does not require the map to be on or in the
computer in any manner.

19.   Claim 77-83,86,98,99,103,104,110,111, are rejected under 35 U.S.C. 103(a) as
being unpatentable over Foretich et al. (20030191723), as applied to each claim's
respective dependent claim, and further in view of Florance et al. (20040030616).

For claims 77,78,83,86, with respect to the claim reciting that geographic
information is contained in the database (Table 1), Foretich can locate properties by
identifying an address, a tax record property reference, or a property ID number, see
paragraph 35. An address and a property ID number is geographic location information
that satisfies what is claimed. This data identifies a particular location, which is the
location of property. The examiner also notes that Table 1 lists data of "directions"
which would also constitutes geographic location information as directions provide
guidance to a particular location. Also in Table 1 on page 5 is the latitude and longitude
entry for the property record. Foretich discloses what is claimed with respect to the
geographic information. *Not disclosed is that the display device is configured to provide
information that allows a remote terminal to render a map of a geographic region as is
claimed.* Florance discloses a real estate system that provides users with real estate
information in response to search queries submitted by users. The query results are
displayed to the user in the form of maps, as is disclosed in paragraphs 347 and 348,
and shown in figure 58. These paragraphs disclose that the displayed maps allow for
the display of the location of the property on a map by the use of icons and other

indicators. Paragraph 348 states that when the user positions the computer mouse

over an icon (that represents a property), *the system displays a pop-up window*

providing information on the associated property (as best understood this satisfies

"spatially embedded"). It is also disclosed that this feature allows the user to view the

overall region in which the property is location (a desirable feature), as well as the ability

to zoom in and out on the map of the property (another desirable feature). Florance

teaches a very desirable manner by which the results of a property search query may

be displayed to the user, namely the use of maps as claimed. In Foretich, the results of

the submitted query are provided to the customer, it is just not disclosed that this is

done by using a map as applicant has claimed. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to use a map with pop up

windows as is disclosed by Florance, so that the results of the query can be presented

in a more user friendly format to the user, including the resulting AVM value. This is

desirable because it would allow for the viewing of the overall region where the property

is located, it would allow for the zooming in and out, as disclosed by Florance, as well

as the convenient use of pop-up windows for the display of property related information,

such as the AVM (see claim 83).

For claim 79, in Foretich, when a customer enters an address to identify a

particular property, this results in the query being done for a geographic region selected

by the customer, namely the location of the property. This satisfies what is claimed.

Also, the examiner notes that in paragraph 41, it is disclosed that batches of valuation

queries can be submitted at one time (a plurality at once). A customer can submit a

batch of queries that are for a given geographic region, such as for a given

neighborhood, and this also satisfies what is claimed.

For claims 80,81,82, Foretich discloses data for residential properties, such as

single-family homes, townhouses, and condominiums. See paragraph 66 where this is

disclosed. Foretich discloses the claimed elements. The language reciting that the

database contains records "in a county" or "in at least two counties" or "in at least two

states" is noted, but is not reciting any further structure to the claimed system. This

language defines nothing further to the data being stored, or to any structure of the

system itself. The geographic boundaries set by people lend no structure to the claimed

system. Data is data, the mere fact that humans recognize jurisdictions such as

counties and states does not change what is claimed, which is property data records

stored in the database (single family homes, townhouses, and condominiums). Foretich

discloses structure that satisfies what is claimed.

For claims 98,99,103,104,110,111, not disclosed is the step of providing

information that allows a remote terminal to render a map of a geographic region as is

claimed. Florance discloses a real estate system that provides users with real estate

information in response to search queries submitted by users. The query results are

displayed to the user in the form of maps, as is disclosed in paragraphs 347 and 348,

and shown in figure 58. These paragraphs disclose that the displayed maps allow for

the display of the location of the property on a map by the use of icons and other

indicators. Paragraph 348 states that when the user positions the computer mouse

over an icon (that represents a property), *the system displays a pop-up window*

providing information on the associated property (as best understood this satisfies

"spatially embedded"). It is also disclosed that this feature allows the user to view the

overall region in which the property is located (a desirable feature), as well as the ability

to zoom in and out on the map of the property (another desirable feature). Florance

teaches a very desirable manner by which the results of a property search query may

be displayed to the user, namely the use of maps as claimed. In Foretich, the results of

the submitted query are provided to the customer, it is just not disclosed that this is

done by using a map as applicant has claimed. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to use a map with pop up

windows as is disclosed by Florance, so that the results of the query can be presented

in a more user friendly format to the user, including the resulting AVM values. This is

desirable because it would allow for the viewing of the overall region where the property

is located, it would allow for the zooming in and out, as disclosed by Florance, as well

as the convenient use of pop-up windows for the display of property related information

for given properties, such as the AVM values.

20.   Claims 75,84,85,88,89,90,91,92,93,101,103, are rejected under 35 U.S.C. 103(a)

as being unpatentable over "Appraisers are Learning to Live With Black Box

Technology" (Quinn) in view of the NPL document "Information on Fairfax County

Property Assessment" (FCPA).

For claims 75,95,85,91, Quinn discloses that Fairfax County used AVM values

for tax assessment purposes, i.e. "where AVMs were used for tax assessment

purposes". The assessed tax value is referred to as being a "computer assisted

assessment", which is the same as an AVM (a computer-generated value). This is an

AVM as is known in the art. This fact is even recognized at the beginning of the article

in the sentence "It looks like automated valuation models, so called AVMs, the black

boxes of the appraisal industry, are here to stay". Not disclosed is that the AVM values

(the tax assessed value) are able to be queried over a public network, such as the

Internet, along with the resulting structure of the system. The document FCPA

discloses that in 1998, Virginia law authorized the dissemination of public records via

the Internet. The document states that the tax assessment records for property in

Fairfax County are considered to be "public information", and further that the release of

this information is authorized over the Internet by Virginia law. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to provide

the tax assessment information (the AVM value which is the tax assessed value) for

Fairfax County over the Internet in the manner disclosed by FCPA, so that this "public

information" can be easily obtained by citizens as was authorized by Virginia law.

Virginia law authorized the dissemination of the tax assessment information over the

Internet, and this includes the AVM value of Quinn. The AVM is public information. The

result of this prior art combination is that the AVM values for each property in Fairfax

County are available on the Internet. This 103 combination results in there necessarily

being a database that has property records that contain a property identifier as well as

an AVM value (tax assessment value). To be able to obtain data over the Internet, like

the FCPA document discloses, a database to store the information is necessarily

required; otherwise you cannot provide the information over the Internet. The claimed

one or more database is inherent to the resulting structure of the prior art combination.

The AVM value has already been addressed and is the tax assessment value, so this

data is inherently going to be saved in the database. The property identifier is also

inherent because it is disclosed that a person can search by a property address, or

even by using a 14 character series of numbers that identify various properties (map

reference number). This necessarily requires that there be property identifier data

stored on the database as is claimed. Also considered inherent is the recited query

device. This is because FCPA allows for one to do a property search by submitting a

query. A person can submit a request for the tax-assessed value of any property in

Fairfax County, which is a request for the AVM value that Fairfax County is disclosed as

using. To be able to process this request, a query device is necessarily required, such

as a database server. The same is true for the display device and the input/output

device. They are required to be able to receive query over the Internet (for an AVM

value for property) and to output results. The display device that provides information is

the device that would inherently be required to get the results to the modem

(input/output device) that allows for connection to the Internet. The structure that is required to be able to provide AVM values (tax assessment) over the Internet is that which is claimed.

For claim 84, location information is in the database as claimed, such as the tax map reference number. Because it is disclosed that the search query for an AVM value can be done by the map reference number, this necessarily requires that there be location data stored in the database as claimed. The 14-digit map number is a form of location information as it identifies a particular piece of property in Fairfax County. With respect to the tax assessment information limitation, this also is in the database. Tax assessment information can be other than the actual assessment. Additionally, and as an alternate interpretation of the claim language, the examiner notes that the geographic location information and/or the tax assessment information is directed to non-functional descriptive material that is not functionally related to the rest of the claim scope. This data is just descriptive in nature and is not functionally related to any actions that the claimed elements to the system are configured to perform. Claim 84 is directed to non-functional descriptive material.

For claims 88,90, the system that is used to actually arrive at the AVM value (the computer that does the valuation) is inherently configured to update the AVM as each tax year passes by. The AVM values for the properties in the database are "generally current" as claimed. They are the most recent numbers that are available, which satisfies "generally current". They are repeatedly calculated on an annual basis.

For claim 89, the AVM values are capable of being updated at any time. This ability is necessarily present in the computer that was used to arrive at the AVM values. If one wanted to, they could run the AVM 6 times a year. Applicant is reminded that claim 89 is an apparatus type of claim and that no method of updating the AVM values is in the scope of the claim so an argument that nobody would update the values more than once a year is not going to be commensurate with the scope of the claims.

For claims 92,93, the language reciting that the database contains records "in a county" or "in at least two counties" or "in at least two states" is noted, but is not reciting any further structure to the claimed system. This language defines nothing further to the data being stored, or to any structure of the system itself. The geographic boundaries set by people lend no structure to the claimed system. Data is data, the mere fact that humans recognize jurisdictions such as counties and states does not change what is claimed, which is property data records stored in the database. The prior art combination has property data in a database and this satisfies what is claimed.

For claim 101, the values are updated at an appreciable frequency, which is yearly. This satisfies the broad claim language. The yearly AVM value that is generated by Fairfax County is a value that reflects the changes in the housing market as claimed.

For claim 103, it is disclosed that a map is displayed to the user, see page 7. Disclosed is a map that is of a given geographical region. The map also has icons as claimed (a broad term referring to any kind of visual representation on the map). As this claim is best understood by the examiner, the prior art satisfies what is claimed.

21.   Claim 105 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Foretich et al. (20030191723) in view of Frost (2005/0273346).

        Not disclosed is that the query instructions are generated by software that allows

a user to designate a region on a map as claimed, where the region designated by the

user is used as query input. Frost is directed to a real estate information system that

allows a user to submit a search query by selecting a portion of a map with a map

selection tool 870. See paragraph 192 and 193 where this is discussed. This allows for

a user to select a given region on the map and then the system will identify the

properties that are in that region. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to provide Foretich with the ability to take

location information from the user by using a map with a box selection tool as is

disclosed by Frost. This would then provide a convenient and user friendly way for the

user to enter location information to identify either a specific property, or to identify a

given region, such as a neighborhood or development when a person is submitting a

plurality of queries (batch requests, see para 41 of Foretich). This would be especially

desirable from a batch processing standpoint.

22.   Claim 105 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sklarz

et al. (2002/0087389) in view of Frost (2005/0273346).

        Not disclosed is that the query instructions are generated by software that allows

a user to designate a region on a map as claimed, where the region designated by the

user is used as query input. Frost is directed to a real estate information system that

allows a user to submit a search query by selecting a portion of a map with a map

selection tool 870. See paragraph 192 and 193 where this is discussed. This allows for

a user to select a given region on the map and then the system will identify the

properties that are in that region. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to provide Sklarz with the ability to take

location information from the user by using a map with a box selection tool as is

disclosed by Frost. This would then provide a convenient and user friendly way for the

user to enter location information to identify either a specific property, or to identify a

given region, such as a neighborhood or development.

23.   Claim 105 is rejected under 35 U.S.C. 103(a) as being unpatentable over

"Appraisers are Learning to Live With Black Box Technology" (Quinn) in view of the NPL

document "Information on Fairfax County Property Assessment" (FCPA) and further in

view of Frost (2005/0273346).

        Not disclosed is that the query instructions are generated by software that allows

a user to designate a region on a map as claimed, where the region designated by the

user is used as query input. Frost is directed to a real estate information system that

allows a user to submit a search query by selecting a portion of a map with a map

selection tool 870. See paragraph 192 and 193 where this is discussed. This allows for

a user to select a given region on the map and then the system will identify the

properties that are in that region. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to provide Quinn and FCPA (as combined)

with the ability to take location information from the user by using a map with a box

selection tool as is disclosed by Frost. This would then provide a convenient and user

friendly way for the user to enter location information to identify either a specific

property, or to identify a given region, such as a neighborhood or development.

24.   Applicant's arguments filed 6/27/07 have been fully considered but they are not

persuasive.

Applicant's arguments for the 101 rejection is noted. The current issue under 35

USC 101 is different from that of the last office action. The rejection of record sets forth

the position of the examiner and no further comments are deemed as necessary.

With respect to the new matter issues, the examiner has addressed the

reasoning as to why there is believed to be new matter in the objection to the

amendment and the rejection of record under 35 USC 112,1st. No further comments

are deemed as necessary. Applicant's arguments discuss canceled claims and not the

current pending claims.

With respect to the arguments concerning prior art rejections no longer being

made, they are noted. The examiner also notes that the currently pending claims have

a claim scope different from that previously examined so applicant should not take the

lack of their presence in this action as an indication that the arguments were persuasive

for the previously pending claims.

With respect to the argument concerning the Fairfax County article, it is found to be non-persuasive. The argument that other prior art is evidence that Fairfax County never used AVM values is noted, but is not persuasive. The argued references do not provide any evidence that Fairfax County did not use AVM values in the year 2000. Prior art from a year or more later has not bearing on what was done in the year 2000. An AVM value is known in the art as a computer generated value that approximates the value of a given property. "AVM" is a term that applies to a broad host of valuation methodologies. Any valuation that is computer generated can reasonably considered to be an AVM as this is a broad term. The argument that if a human is involved in the AVM process, the result cannot be considered to be an AVM value is not persuasive. To start with, this argument has no support in the specification as originally filed. The specification does not disclose any specific manner of generating an AVM value. In fact, in paragraph 36 it is more or less stated that any valuation method can be used. Applicant has not invented a new methodology to generate an AVM, this is clear from the specification as originally filed. So, to argue that the prior art AVM that has some level of human involvement cannot be considered an AVM is without merit as it has no support in the specification. Applicant seems to be arguing a definition for AVM that has no support in the specification. Applicant is trying to give the term "AVM" a definition that is contrary to what is accepted in the art. Both Foretich and Sklarz calculate AVM values and they have people involved in a part of the overall process. The examiner takes notice that applicant's counsel even referred to the values that Foretich and Sklarz generate as "AVM" values in the Petition to Make Special that was filed 5/3/06.

That is evidence that this term does not exclude human involvement in the process as argued. Also, human involvement is just about necessarily required. You have to at least identify a property address, and most systems also allow the user to define variables used to arrive at a "comparables" list. An AVM is not a value that is generated without human involvement, this is not possible. This argument is not persuasive.

The arguments in section D. are noted but are not seen as relevant to the current issues at hand. Evidence of databases that have AVM values can be found in the prior art of record as set forth in the rejections of record.

The argument that one of ordinary skill in the art would not choose to use a database of tax assessments for investment purposes is noted. This has nothing to do with any current rejection of record as far as the examiner can tell. The examiner has addressed the limitations of tax assessment information in the rejections of record. The examiner notes that applicant argues the use of an actual tax assessment, whereas the claims do not require such. The claims only recite tax assessment information, which does not have to be the actual assessment. With respect to the article "The Big AVM Lie", this article is not seen as teaching away from the use of AVMs for investment purposes. This argument has no merit as this article is purely the opinion of the writer.

With respect to the argument about a number of Graham factors indicating novel subject matter, the argument is not persuasive. The section on the "Praise by Peers" is noted, but applicant cannot rely on attorney comment in an attempt to introduce evidence of secondary 103 considerations. The proper way to introduce evidence of this kind into the application is via a 132 declaration. The "Inman News" article does not

even link the novel feature to any praise by anyone. This kind of argument must be made by linking the alleged novel feature to the reason for the "praise by peers", which even then, may not be persuasive on it's own. The section on "Copying" is noted and is non-persuasive. This section is attempting to bolster the submitted 132 declaration by attorney comment, which is not proper. Applicant is alleging certain facts and there is just no evidence of record to support these assertions. As stated previously, the proper way to introduce evidence of this kind is via a 132 declaration. The argument overall never even refers to what is alleged to have been copied. The comments are nothing more than unsupported speculation on the part of applicant. Without the evidence, this kind of argument is just not going to be persuasive. Applicant needs to submit evidence that there is actual copying happening, not just visiting of a website, which is not copying. The allegation of Commercial success is noted, but as with the other arguments, is not persuasive. As stated previously, the proper way to introduce evidence of this kind is via a 132 declaration. The graph that applicant refers to makes no mention of any particular business model and is not evidence of anything in   . particular. Evidence of this kind cannot be introduced by attorney comment.

The argument that the recent KSR Supreme Court decision actually supports the position that the claims are novel is not persuasive. The comments in section A are not even really understood in the sense as how they relate to the current claims. No explanation is provided that even explains what the limitations are that are believed to be novel in view of this decision, and why they are novel. In section B, the discussion about the eCommerce 2002 article is noted. It is not clear what this has to do with the

currently pending claims. This article and the KSR decision do not result in any

showing of any novelty. Applicant needs to analyze the closest prior art, such as that

used in this office action. The issue of obviousness is very dependent on these

references and their disclosure.

25.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

26.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808.

The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DENNIS RUHL
PRIMARY EXAMINER